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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

| | | |
|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | 2:11-cr-164-KJD-CWH |
| |) | |
| Plaintiff, |) | |
| |) | MOTION TO DISMISS INDICTMENT |
| vs. |) | |
| |) | |
| DANIEL SPENCER, |) | |
| |) | |
| Defendants. |) | |

THE UNITED STATES OF AMERICA, by and through Daniel G. Bogden, United States Attorney, and Brian Pugh, Assistant United States Attorney, moves to dismiss the Criminal Indictment returned April 27, 2011, and as a basis therefore states as follows:

On July 13, 2011, the grand jury returned a superseding indictment against defendant in case number 2:10-cr-616-KJD-CWH. The superseding indictment incorporates the allegations of the indictment making this case, case number 2:11-cr-164-KJD-CWH, duplicative and redundant.

Respectfully submitted this 18TH day of August 2011.

DANIEL G. BORDEN
United States Attorney

/s/ Brian Pugh
BRIAN PUGH
Assistant U.S. Attorney

IT IS SO ORDERED this 19 day of August 2011.


UNITED STATES DISTRICT JUDGE